

## **Federal Operating Permit - Article 1**

This permit is based upon the requirements of Title V of the Federal Clean Air Act, as amended in 1990; and Chapter 80, Article 1, and Chapter 140 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Conectiv Delmarva Generation, Inc.
Facility Name:	Tasley Peaking Station
Facility Location:	Route 650, City of Tasley, Accomack County
Registration Number:	40304
Permit Number:	TRO-40304

November 2, 2004  
Initial Permit Date

November 2, 2009  
Expiration Date

\_\_\_\_\_  
(for)  
Robert G. Burnley  
Director, Department of Environmental Quality

\_\_\_\_\_  
Signature Date  
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## **I. Facility Information**

### **Permittee**

Conectiv Delmarva Generation, Inc.  
P.O. Box 6066  
Newark DE 19714-6066

### **Responsible Official**

D. Bruce McClenathan  
Vice President, Generation  
POB 6066, Newark DE 19714-6066  
Phone Number (302) 451-5484

### **NO<sub>x</sub> Budget Trading Program Authorized Account Representative**

D. Bruce McClenathan, AAR # 1900, Phone Number (302) 451-5484  
Alternate AAR: Al Kirby, AAR # 1607, Phone Number (302) 451-4090

### **Facility**

Tasley Peaking Station  
Route 650  
Tasley, Accomack County

### **Contact person**

Mr. M. Gary Helm  
Environmental Consultant, Conectiv  
(302) 451-5077

AFS Identification Number: 51-001-00006  
ORIS Code: 3785  
NATS Facility Identification Number: 003785 00TA10

**Facility Description:** North American Industry Classification System (NAICS) ID Code 221112 (Fossil Fuel Electric Power Generation), and Standard Industrial Classification (SIC) Code Number 4911 (Electric Power Generation). Conectiv Delmarva Generation, Inc.'s Tasley Peaking Station provides peak electric power through the operation of one combustion turbine with a nominal generation capacity of 33 megawatts (MW), a startup engine, a 504,000 gallon #2 distillate fuel oil storage tank, and a 1650 gallon lube oil storage tank. In accordance with 40 CFR 75, Appendix E, the turbine uses parametric and fuel flow monitoring, not CEMS, for pollutant measuring.

## II. Emission Units

Equipment to be operated consists of:

URN	Stack No.	Emissions Unit Description	Rated Heat Input Capacity* (10 <sup>6</sup> BTU/hr)	Manufacturer and Date of Construction
TA10	ST10	33 MW Combustion Turbine	460 nominal	Westinghouse W-251B, constructed June, 1972
TA20	ST20	635 HP Internal Combustion Startup Engine	4.64 nominal	Cummins V1710, installed June, 1972

\* At ISO Conditions, base load (0°F, base load), using HHV

## III. Fuel Burning Equipment Requirements- (Emissions Unit TA10)

Table III.A.1. Emission Limitations for URN TA10 from Chap. 40, Article 8.			
Regulated Pollutant	Limits (or Standards)		Applicable Requirements
	E, lb/ mmbtu*	lb/hr**	
PM	$2.2 \times 10^{-1}$	$1.0 \times 10^2$	9 VAC 5-40-900, 990
SO <sub>2</sub>	-	$1.2 \times 10^3$	9 VAC 5-40-930, 990

\* PM limit, E (lb/mmBTU) =  $1.0906 K^{-0.2594}$ , where K = 460 mmBTU/hr heat input

\*\* PM limit (lb/hr) = KE, where K = 460 mmBTU/hr  
SO<sub>2</sub> limit (lb/hr) = 2.64 K, where K = 460 mmBTU/hr

### A. Limitations

- Approved Fuel** - The approved fuel for combustion turbine TA10 is distillate fuel oil. A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-110)
- Fuel Specifications** - The sulfur content associated with the Numbers 1 and 2 distillate fuels shall be less than or equal to that specified in ASTM Method D 396-02A.  
(9 VAC 5-40-990)
- Fuel Certification** - The permittee shall obtain a certification from each fuel supplier that the sulfur content conforms to ASTM Method D 396-02A for distillate fuels that are purchased for use at the facility. In addition, the following information shall be maintained:
  - The name of the fuel supplier;
  - The date on which the distillate oil was received;
  - The volume of distillate oil delivered in the shipment; and

d. The sulfur content of the distillate fuel oil sample.

(9 VAC 5-80-110)

4. Particulate matter (PM) and sulfur dioxide (SO<sub>2</sub>) emissions from operating combustion turbine TA10 shall not exceed limits specified in Table III.A.1.  
(9 VAC 5-40-900)
5. Unless specified otherwise in this part, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than twenty (20) percent opacity, except for one six-minute period in any one hour of not more than sixty (60) percent opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section. Compliance with the visible emissions standard shall be demonstrated by proper operation and maintenance of the emission unit, periodic visual emission observations, and by associated recordkeeping.  
(9 VAC 5-40-20 and 9 VAC 5-40-80)

## **B. Monitoring and Recordkeeping**

1. **Combustion Temperature Monitoring.** The source shall use combustion gas temperature monitoring, telemetry, and alarm notification systems to maintain efficient combustion during all periods of operation (both manned and unmanned), to minimize the likelihood of excessive visible emissions from emission point ST10.  
(9 VAC 5-40-100)
2. **Method 9 Visible Emissions Evaluations.** An initial visible emissions evaluation in accordance with 40 CFR 60 Appendix A, Method 9 shall be performed within 90 days of permit issuance for combustion turbine TA10, unless such evaluation was performed within the consecutive 12-month period preceding permit issuance. This initial evaluation shall consist of three six-minute observations during one consecutive 60-minute period, and shall be conducted during the period of maximum expected visible emissions under normal unit and facility operations.

Following the performance of an initial Method 9 observation, which shall meet the requirement for one evaluation in the year it is conducted, visible emissions evaluations shall be performed in accordance with 40 CFR 60 Appendix A, Method 9 with the following frequency:

Number of Hours of Unit Operation in a Calendar Year	Number of Observations the Following Calendar Year
$\leq 500$ hours	1
> 500 hours	2

(9 VAC 5-40-110)

### C. Recordkeeping

1. To minimize the potential, duration, and frequency of visible emissions, due to malfunctions or abnormal operation of process equipment, the permittee shall:
    - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
    - b. Maintain an inventory of spare parts that are needed to minimize the potential for visible emissions.
- (9 VAC 5-80-110)
2. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. These records shall include, but are not limited to:
    - a. Type and sulfur content of fuel combusted in combustion turbine TA10, as received from the supplier;
    - b. Operating hours of combustion turbine TA10, updated monthly;
    - c. Particulate matter emission rates, in lb/mmbtu and lb/hr, and sulfur dioxide (SO<sub>2</sub>) emission rate, in lb/hr, calculated:
      - (1) monthly for the following calendar year, if fuel sulfur content in any delivery exceeds 0.4%; and
      - (2) through annual emissions inventory statements that are submitted to the Department, and/or through periodic calculations/information that the Department may request to validate these data.
    - d. A record of each visible emissions observation and visible emissions evaluation, including any data required by 40 CFR 60 Appendix A, or Method 9; and at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer; and
    - e. A record of combustion gas temperature monitoring alarms that indicated the potential for excess visible emissions during remote operations.

These records shall be available on site for inspection by DEQ, and shall be current for the most recent five years.

(9 VAC 5-40-50, 9 VAC 5-40-1010, and 9 VAC 5-80-110 F)

#### IV. Fuel Burning Equipment - (Emissions Unit TA20)

Table IV.A.1. Emission Limit for URN TA20 from Chap. 40, Article 4.		
Regulated Pollutant	Limit (or Standard), lb/hr*	Applicable Requirement
SO <sub>2</sub>	1.2 x 10 <sup>1</sup>	9 VAC 5-40-280 B.1.a, and -370

\* SO<sub>2</sub> limit (lb/hr) = 2.64 K, where K = 4.64 mmBTU/hr heat input capacity

##### A. Limitations

1. The approved fuel for startup engine TA20 is distillate fuel oil. A change in the fuel may require a permit to modify and operate.
2. Sulfur dioxide (SO<sub>2</sub>) emissions from operation of startup engine TA20 shall not exceed limits specified in Table IV.A.1.

(9 VAC 5-40-990)

##### B. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. These records shall include, but are not limited to:

1. Type and sulfur content of fuel combusted in startup engine TA20, and
2. Sulfur dioxide (SO<sub>2</sub>) emission rate, in lb/hr, calculated through annual emissions inventory statements that are submitted to the Department, and/or through periodic calculations/information that the Department may request to validate these data.

These records shall be available on site for inspection by DEQ, and shall be current for the most recent five years.

(9 VAC 5-40-50, 9 VAC 5-40-390, and 5-80-110 F)

#### V. Insignificant Emissions Units

The following emissions units at the facility are identified in the application as insignificant emissions units under 9 VAC 5-80-720:

Emissions Unit Reference No. (URN)	Emissions Unit Description	Citation (9 VAC_)	Pollutant Emitted (5-80-720 B)	Rated Capacity (5-80-720 C)
TA100	#2 Distillate Fuel Oil Storage Tank	5-80-720 B.2	VOC	504,000 gallons
TA101	Lube Oil Storage Tank	5-80-720 B.2	VOC	1,650 gallons



These emissions units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emissions units in accordance with 9 VAC 5-80-110.

## VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

<u>Citation</u>	<u>Title of Citation</u>	<u>Description of Applicability</u>
Federal NSPS Subpart GG	Gas Turbine Standards	Federal NSPS, Subpart GG, does not apply to combustion turbine TA10. It was constructed before, and not modified or rebuilt after, the subpart's applicability date of October 3, 1977.
Federal NSPS Subpart Kb	Storage Tank Standards	Federal NSPS, Subpart Kb, does not apply to the two oil storage tanks TA100 and TA101. Fuel oil storage tank TA100 was installed before, and not modified after, the 1984 applicability date for that standard. Lubrication oil storage tank TA101 has a maximum capacity of less than 10,000 gallons.
Article 4 in Chapter 40	Particulate Standards	The particulate standard in Article 4 of Chapter 40, Part II, of state regulations does not apply to internal combustion engine TA20, because the definition of process weight excludes liquid fuels. (The standard for SO <sub>2</sub> in Article 4 does apply to TA20, however.)
Article 8 in Chapter 40	Fuel Burning Equipment Standards	Article 8 in Chapter 40, Part II, of state regulations does not apply to internal combustion engine TA20.
Article 37 in Chapter 40	Storage Tank Standards	Article 37 in Chapter 40, Part II, of state regulations does not apply to storage tanks TA100 and TA101. The vapor pressures of fuel oil in tank TA100, and lubrication oil in tank TA101, are both below the article's applicability threshold of 1.5 psia for any liquid in service by a storage tank.
40 CFR 64	Compliance Assurance Monitoring	CAM Rule is applicable only to emissions units that use add-on control devices to achieve compliance with one or more emissions limitations. The existing source equipment at this facility use no add-on control devices.

## **VII. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

### **B. Permit Expiration**

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete renewal application to the Department, consistent with 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied, and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F.1 and F.5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit, by the deadline specified in writing by the Board, any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)

### C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30, and July 1 to December 31.
- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
  - (1) Exceedance of emissions limitations or operational restrictions;
  - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
  - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. Time period included in the certification. The time period to be addressed is January 1 to December 31.
2. A description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.
3. The identification of each permit term or condition that is the basis of the certification.
4. Compliance status.
5. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
6. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
7. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

(9 VAC 5-80-110 K.5)

#### **E. Permit Deviation Reporting**

The permittee shall notify the Director, Tidewater Regional Office, within four (4) daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventive measures taken, and the estimated duration of the permit deviation. The occurrence shall also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VII.C.3 of this permit.  
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

## **F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction, and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office.

1. The emission units that have continuous monitors subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not subject to the 14-day written notification.
2. The emission unit subject to the reporting and the procedure requirements of 9 VAC 5-40-50 C and the procedures of 9 VAC 5-50-50 C is listed below:
  - a. Combustion Turbine TA10
3. Each owner required to install a continuous monitoring system subject to 9 VAC 5-40-41 or 9 VAC 5-50-410 shall submit a written report of excess emissions (as defined in the applicable emission standard) to the board for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter and shall include the following information:
  - a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9 VAC 5-40-41 B.6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;
  - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
  - c. Date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
  - d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.
4. All emission units not subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C must make written reports within 14 days of discovery of the malfunction.

(9 VAC 5-20-180 C and 9 VAC 5-40-50)

### **G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.  
(9 VAC 5-80-110 G.1)

### **H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.  
(9 VAC 5-80-110 G.2)

### **I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.  
(9 VAC 5-80-110 G.3)

### **J. Permit Modification**

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000, and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.  
(9 VAC 5-80-190 and 9 VAC 5-80-260)

### **K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9 VAC 5-80-110 G.5)

### **L. Duty to Submit Information**

1. The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.  
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110 K.1)

### **M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. (9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

### **N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and
5. The prompt removal of spilled or traced dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90)

### **O. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-40-20 E)

## **P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.  
(9 VAC 5-80-110 J)

## **Q. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

## **R. Reopening For Cause**

The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)



## **S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued, and shall make the permit immediately available to DEQ upon request.  
(9 VAC 5-80-150 E)

## **T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer, and shall comply with the requirements of 9 VAC 5-80-200.
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change, and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

## **U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred, and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

- d. The permittee notified the board of the malfunction within two working days following the time when the emissions limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, telegraph, or any other method that allows the permittee to comply with the deadline. The notice fulfills the requirement of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirements under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

#### **V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80, Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

#### **W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

#### **X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substance subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F. (40 CFR Part 82, Subparts A - F)

## **Y. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(40 CFR Part 68)

## **Z. Changes to Permits for Emissions Trading**

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.  
(9 VAC 5-80-110 I)

## **AA. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110 except subsection N shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

## **NO<sub>x</sub> Budget Trading Program Requirements**

### **A. NO<sub>x</sub> Budget Permit General Conditions**

1. A review of the air emission units included in this permit approval has determined that the equipment listed in the following table meets the definition of a NO<sub>x</sub> Budget Unit and falls subject to the NO<sub>x</sub> Budget emission limitations under 9 VAC 5-140-40 et seq., or for NO<sub>x</sub> Budget opt-in sources 9 VAC 5-140-800 et seq. As required by 9 VAC 5-140-200 A, each NO<sub>x</sub> Budget source is required to have a federally enforceable permit. This section represents the NO<sub>x</sub> Budget permit.  
(9 VAC 5-140-40)
2. The NO<sub>x</sub> Budget permit will be administrated by VADEQ under the authority of 9 VAC 5-80-360 et seq., Article 3, and 9 VAC 5-140-10 et seq.  
(9 VAC 5-140-200 A)

3. The following air emission units have been determined to meet the applicability requirements as provided in 9 VAC 5-140-40 A.1 and A.2. Units not meeting this definition, not defined as 25-Ton Exemption Units (as specified by 9 VAC 5-140-40 B.1), and not permanently shutdown can be included in the NO<sub>x</sub> Budget Trading program as NO<sub>x</sub> Budget opt-in sources.

Table VIII – 1 Facility NO <sub>x</sub> Budget Units				
Facility Unit ID	Unit NATS Code	Unit Name and description	Maximum Heat Capacity (MMBtu/hr)	Maximum Generation Capacity (megawatts)
TA10	003785 00TA10	Westinghouse W251B simple cycle combustion gas turbine	460 nominal	33

(9 VAC 5-140-40 A)

## B. NO<sub>x</sub> Budget Permit Standard Requirements

1. Continuous Monitoring requirements.
  - a. The owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall comply with the monitoring requirements of Article 8 (9 VAC 5-140-700 et seq.) of 9 VAC 5, Chapter 140, Part 1, NO<sub>x</sub> Budget Trading Program.  
(9 VAC 5-140-60 B.1)
  - b. The emissions measurements recorded and reported in accordance with Article 8 (9 VAC 5-140-700 et seq.) of 9 VAC 5, Chapter 140, Part 1, NO<sub>x</sub> Budget Trading Program (subparts H of 40 CFR 75 and 40 CFR 97) shall be used to determine compliance by the unit with the NO<sub>x</sub> Budget emissions limitation under Conditions VIII.B.2.a through VIII.B.2.h of this permit. The following approved methods will be used to calculate NO<sub>x</sub> Control Period and annual emission rates:

Pollutant/Stack Parameter for TA10	Monitoring Methods (40 CFR 75)*
Heat input	Calculation (fuel flow, fuel heat); DAHS**
NO <sub>x</sub> hourly emissions rate	Calculation (fuel flow); DAHS
NO <sub>x</sub> mass emissions rate	Calculation (NO <sub>x</sub> /fuel ratio, heat input); DAHS
Fuel Flow	Fuel flow meter; DAHS
K Factor	DAHS
Carbon-based F-factor	DAHS

\* From the Tasley Peaking Station Facility Monitoring Plan and 40 CFR 75, Appendix E.

\*\* Data Acquisition and Handling System

(9 VAC 5-140-60 B.2)

2. Nitrogen oxides requirements.

- a. The owners and operators of each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall hold NO<sub>x</sub> allowances available for compliance deductions under 9 VAC 5-140-540 A, B, E, or F, as of the NO<sub>x</sub> allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO<sub>x</sub> emissions for the control period from the unit, as determined in accordance with Article 8 (9 VAC 5-140-700 et seq.) of 9 VAC 5, Chapter 140, Part 1, NO<sub>x</sub> Budget Trading Program, plus any amount necessary to account for actual utilization under 9 VAC 5-140-420 E for the control period or to account for excess emissions for a prior control period under 9 VAC 5-140-540 D or to account for withdrawal from the NO<sub>x</sub> Budget Trading Program, or a change in regulatory status, of a NO<sub>x</sub> Budget opt-in unit under 9 VAC 5-140-860 or 9 VAC 5-140-870.  
(9 VAC 5-140-60 C.1)
- b. Each ton of nitrogen oxides emitted in excess of the NO<sub>x</sub> Budget emissions limitation shall constitute a separate violation of 9 VAC 5, Chapter 140, Part 1, NO<sub>x</sub> Budget Trading Program, the Clean Air Act, and applicable Virginia Air Pollution Control law.  
(9 VAC 5-140-60 C.2)
- c. A NO<sub>x</sub> Budget unit shall be subject to the requirements under 9 VAC 5-140-60 C.1 starting on the later of May 31, 2004, or the date on which the unit commences operation.  
(9 VAC 5-140-60 C.3)
- d. NO<sub>x</sub> allowances shall be held in, deducted from, or transferred among NO<sub>x</sub> Allowance Tracking System accounts in accordance with Article 5 (9 VAC 5-140-400 et seq.), Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), and Article 9 (9 VAC 5-140-800 et seq.) of 9 VAC 5, Chapter 140, Part 1, NO<sub>x</sub> Budget Trading Program.  
(9 VAC 5-140-60 C.4)
- e. A NO<sub>x</sub> allowance shall not be deducted, in order to comply with the requirements under 9 VAC 5-140-60 C.1, for a control period in a year prior to the year for which the NO<sub>x</sub> allowance was allocated.  
(9 VAC 5-140-60 C.5)
- f. A NO<sub>x</sub> allowance allocated by the permitting authority or the administrator under the NO<sub>x</sub> Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO<sub>x</sub> Budget Trading Program. No provision of the NO<sub>x</sub> Budget Trading Program, the NO<sub>x</sub> Budget permit application, the NO<sub>x</sub> Budget permit or an exemption under 9 VAC 5-140-50, and no provision of law, shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.  
(9 VAC 5-140-60 C.6)
- g. A NO<sub>x</sub> allowance allocated by the permitting authority or the administrator under the NO<sub>x</sub> Budget Trading Program does not constitute a property right.  
(9 VAC 5-140-60 C.7)

- h. Upon recordation by the administrator under Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), or Article 9 (9 VAC 5-140-800 et seq.) of 9 VAC 5, Chapter 140, Part 1, NO<sub>x</sub> Budget Trading Program, every allocation, transfer, or deduction of a NO<sub>x</sub> allowance to or from a NO<sub>x</sub> Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO<sub>x</sub> Budget permit of the NO<sub>x</sub> Budget unit by operation of law without any further review.  
(9 VAC 5-140-60 C.8)
- 3. Excess emissions requirements. The owners and operators of a NO<sub>x</sub> Budget unit that has excess emissions in any control period shall:
  - a. Surrender the NO<sub>x</sub> allowances required for deduction under 9 VAC 5-140-540 D.1; and
  - b. Pay any fine, penalty, or assessment or comply with any other remedy imposed under 9 VAC 5-140-540 D.3.  
(9 VAC 5-140-60 D)

### **C. NO<sub>x</sub> Budget Permit Recordkeeping and Reporting Requirements**

- 1. Unless otherwise provided, the owners and operators of the NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the permitting authority or the administrator.  
(9 VAC 5-140-60 E.1)
  - a. The account certificate of representation for the NO<sub>x</sub> authorized account representative for the source and each NO<sub>x</sub> Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9 VAC 5-140-130; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO<sub>x</sub> authorized account representative.  
(9 VAC 5-140-60 E.1)
  - b. All emissions monitoring information, in accordance with Article 8 (9 VAC 5-140-700 et seq.) of 9 VAC 5, Chapter 140, Part 1, NO<sub>x</sub> Budget Trading Program; provided that to the extent that Article 8 provides for a three-year period for recordkeeping, the three-year period shall apply.  
(9 VAC 5-140-60 E.1)
  - c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO<sub>x</sub> Budget Trading Program.  
(9 VAC 5-140-60 E.1)

- d. Copies of all documents used to complete a NO<sub>x</sub> Budget permit application and any other submission under the NO<sub>x</sub> Budget Trading Program or to demonstrate compliance with the requirements of the NO<sub>x</sub> Budget Trading Program.

(9 VAC 5-140-60 E.1)

2. The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall submit the reports and compliance certifications required under the NO<sub>x</sub> Budget Trading Program, including those under Article 4 (9 VAC 5-140-300 et seq.), Article 8 (9 VAC 5-140-700 et seq.), or Article 9 (9 VAC 5-140-800 et seq.) of 9 VAC 5, Chapter 140, Part 1, NO<sub>x</sub> Budget Trading Program.

(9 VAC 5-140-60 E.2)

#### **D. NO<sub>x</sub> Budget Permit Testing for CEM Certification**

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.

(9 VAC 5-40-30, 9 VAC 5-50-30, and 9 VAC 5-140-710)

2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant or Stack Parameter	CEM Certification Test Method 40 CFR 60
NO <sub>x</sub> Concentration	USEPA Method 20
Moisture	USEPA Method 4
NO <sub>x</sub> emissions rate using O <sub>2</sub> -based F-factor	USEPA Method 19
Fuel use / heat flow	USEPA Method 2
Diluent gas	USEPA Method 3A

(9 VAC 5-140-700 to 710)

#### **E. NO<sub>x</sub> Budget Permit Liability**

1. Any person who knowingly violates any requirement or prohibition of the NO<sub>x</sub> Budget Trading Program, a NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 shall be subject to enforcement pursuant to applicable State or Federal law.

(9 VAC 5-140-60 F.1)

2. Any person who knowingly makes a false material statement in any record, submission, or report under the NO<sub>x</sub> Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.

(9 VAC 5-140-60 F.2)

3. No permit revision shall excuse any violation of the requirements of the NO<sub>x</sub> Budget Trading Program that occurs prior to the date that the revision takes effect.

(9 VAC 5-140-60 F.3)

4. Each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit shall meet the requirements of the NO<sub>x</sub> Budget Trading Program.  
(9 VAC 5-140-60 F.4)
5. Any provision of the NO<sub>x</sub> Budget Trading Program that applies to a NO<sub>x</sub> Budget source or the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source shall also apply to the owners and operators of such source and of the NO<sub>x</sub> Budget units at the source.  
(9 VAC 5-140-60 F.5)
6. Any provision of the NO<sub>x</sub> Budget Trading Program that applies to a NO<sub>x</sub> Budget unit or the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Article 8 (9 VAC 5-140-700 et seq.), the owners and operators and the NO<sub>x</sub> authorized account representative of one NO<sub>x</sub> Budget unit shall not be liable for any violation by any other NO<sub>x</sub> Budget unit of which they are not owners or operators or the NO<sub>x</sub> authorized account representative, and that is located at a source of which they are not owners or operators or the NO<sub>x</sub> authorized account representative.  
(9 VAC 5-140-60 F.6)

**F. NO<sub>x</sub> Budget Permit Effect on Other Authorities**

No provision of the NO<sub>x</sub> Budget Trading Program, a NO<sub>x</sub> Budget permit application, a NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source or NO<sub>x</sub> Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.  
(9 VAC 5-140-60 G)